

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH R. BYRUM,
CONRAD HALLING, and
DAVID KOVALIC

Appeal No. 2003-1666
Application 09/521,640

ORDER DISMISSING APPEAL

MAILED

FEB - 1 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge,
ADAMS, Administrative Patent Judge.

Per curiam.

On December 22, 2005, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

Appeal No. 2003-1666
Application 09/521,640

The application is being returned to the examiner for further action as may be appropriate.

Michael R. Fleming
Michael R. Fleming, Chief
Administrative Patent Judge }

Gary V. Harkcom
Gary V. Harkcom, Vice Chief
Administrative Patent Judge }

Donald E. Adams
Donald E. Adams
Administrative Patent Judge }
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